IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.1132 of 2007
DATE OF ORDER: 15.3.2007

Monika Verma

...Petitioner(s)

Versus

Rubal Dass

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. G.P.S. Bal, Advocate.

M.M. AGGARWAL,J

This is petition filed by the tenant against order dated 4.12.2006 passed by the Rent Controller, Jalandhar whereby landlord, now respondent had been granted permission to prove the rent note by way of secondary evidence subject to proof of existence of the documents i.e rent note and also further subject to all just exceptions.

Counsel for the petitioner argues that the original rent note, if any, should be in possession of the landlord-respondent. He argues that in fact there was no rent note and now the landlord-respondent is just taking plea that the original rent note is in possession of the tenant and the tenant has also denied that the original rent note is with him. Under these circumstances, trial Court should not have allowed the application of the respondent-landlord for leading secondary evidence of the rent note. A judgment of this Court reported in Baljit Kaur v. Mohinder Kaur and Others, PLR, Vol, CVII (1994-2) 488 had been relied.

I have gone through the order. Permission to lead secondary evidence had been given subject to proof of existence of the original documents and subject to all just exceptions. I do not find any good ground to interfere.

Dismissed.

March 15, 2007 (M.M. AGGARWAL)
manoj JUDGE